United States General Accounting Office Washington, DC 20548

Office of General Counsel

In Reply Refer to:

B-195444

AUG 2 1 1979

Major Norman L. Corbin San Antonio Contracting Center (ATC) DLG 02637.
Post Office Box 8218 Staff Judge Advocate Department of the Air Force Post Office Box 8218 San Antonio, Texas 78208

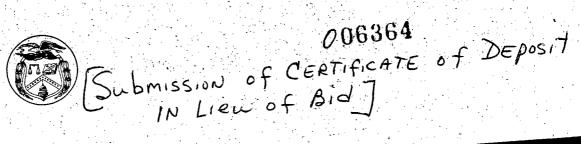
Dear Major Corbin:

You requested an advance decision whether a certificate of deposit (CD) issued by a federally insured bank and assigned to the Government may be submitted in lieu of a bid, performance, or payment bond. You raised the question on behalf of a potential bidder or offeror.

As you know, this Office is not required to provide advance decisions unless requested to do so by disbursing or certifying officers having vouchers before them for payment or certification, or by the heads of Executive departments and establishments having any question involving payments to be made by their agencies. See 31 U.S.C. 58 74, 82d (1976). However, we will consider a request by a contracting officer or a head of a procuring activity for an opinion concerning the proper resolution of a question affecting the award of a specific contract when the prompt resolution of such question is necessary or desirable prior to making the award. 36 Comp. Gen. 513 (1957). In other words, we will consider a request from a contracting officer or a head of a procuring activity when in the course of his or her official duties a question arises which affects the award of a specific contract.

Your question does not meet these prerequisites since you are neither a contracting officer nor a head of a procuring activity. Furthermore, your question does not appear to affect a specific contract.

Under the circumstances we must decline to render an advance decision. Nonetheless, for your information



we refer you to 50 Comp. Gen. 712, 717 (1971), where we discuss certificates of deposit in general, to 39 Comp. Gen. 619 (1960), where we recognized that a letter of credit substantially complied with the requirement for a bid bond, and to B-145861, May 29, 1961, copy enclosed, which permitted the submission of a bank money order made to the order of the cognizant procuring activity.

Sincerely yours,

Honry R. Van Cleve

FÓT:

Milton J. Socolar General Counsel

Enclosure